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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS EIGHTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora JAVATE DE DIOS

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

4. Second, third and fourth periodic reports

Dominican Republic

1. The Committee considered the second and third, and the fourth periodic reports of the Dominican Republic (CEDAW/C/DOM/2-3 and CEDAW/C/DOM/4) at its 379th and 380th meetings, on 3 February 1998.

2. In introducing the reports, the representative of the Dominican Republic noted that, since its ratification by the Government in 1982, the Convention on the Elimination of All Forms of Discrimination against Women had been an instrument for Dominican women to overcome their subordination and to change the patriarchal order.

3. Referring in particular to the fourth periodic report, the representative described it as an instrument of self-assessment and stocktaking. It provided an opportunity for assessing developments that had occurred in various governmental and societal sectors, but also for identifying obstacles and areas for further change.

4. Among progress achieved in the legal sphere, the representative noted in particular the adoption of a law against domestic violence (Ley contra la Violencia Intrafamilial). She referred to the Government's ongoing efforts to put in place practical measures to ensure compliance with the new law, such as awareness and information campaigns, training for law-enforcement officers and the creation of special units to handle violence complaints.

5. Other legal measures included the adoption of an education bill establishing the principle of equality of opportunity between the sexes, the revision of the electoral law establishing a quota of 25 per cent for women candidates in municipal and congressional elections, and the revision of the agrarian reform law. The representative also noted that there was widespread support, especially among the women's movement, for further legal reform aimed at the elimination of discriminatory provisions particularly in the Civil Code, and for the inclusion of the principle of equality in the Constitution.

6. The representative pointed to the creation of several mechanisms to ensure implementation of the legal and normative framework for women. She noted in particular the strengthening of the Dirección General de Promoción de la Mujer (DGPM) through a substantial increase in human and financial resources combined with a commitment in principle to elevate the Directorate to a Secretariat of State or Ministry for Women's Affairs. She also pointed to the establishment of an intersectoral committee for follow-up to, and implementation of, the Beijing Declaration and Platform for Action.

7. While there had been progress in women's political and social participation, this was an area where further progress was needed. Most notably, 31 per cent of the judges of the Supreme Court of Justice were women. There had also been an increase in women in the Foreign Service. While important changes had also taken place in the areas of education for women, especially in terms of their access to all levels of education, sexism persisted in the professional sphere.

8. The representative informed the Committee that the economic situation of the country since the early 1990s was characterized by macroeconomic control and stabilization efforts. Poverty remained the major challenge, and its eradication was a priority objective for the Government. Since poverty affected women in particular ways and limited their economic participation and access to services, specific projects for women, particularly women heads of households, formed part of the Government's poverty eradication efforts.

9. The representative concluded that the new Government, which had been installed in mid-1996, had embarked on a policy of reform and modernization. While the impact of reform on the situation of women could not yet be evaluated, she noted that the Dirección General de Promoción de la Mujer and the national women's movement remained committed to ensuring that a gender approach was reflected in those reforms. The Convention would provide continuing guidance into the next millennium on measures to improve the status of women.

Concluding comments of the Committee

Introduction

10. The Committee commended the Government for the preparation of a new report in late 1997, i.e., the fourth periodic report, to be considered together with its second and third periodic report submitted in 1993. It welcomed it as a well-structured report that provided frank and clear information on the situation of women in the Dominican Republic. Together with the exhaustive replies provided to the Committee's numerous questions, the presentation gave a comprehensive view of the efforts undertaken by the new Government. This was indicative of the political will of the Government to carry out its commitments under international human rights law, and especially its desire to achieve full compliance with its obligations under the Convention on the Elimination of All Forms of Discrimination against Women.

11. The Committee expressed its appreciation to the Government of the Dominican Republic for its large and high-level delegation headed by the Minister for Women's Affairs, which had enabled the Committee to obtain a realistic picture of progress made and of challenges ahead in the achievement of the equal rights of women.

Positive aspects

12. The Committee welcomed the many important initiatives and measures which had been undertaken in different areas by the Dirección General de Promoción de la Mujer in a short period of time. It also commended DGPM for its ongoing work on a number of legislative drafts aimed at repealing or revising discriminatory laws and provisions.

13. The Committee noted with appreciation the adoption of several new laws and legal revisions to bring the domestic situation into greater conformity with the Convention. In particular, the Committee applauded the adoption, in 1997, of the Law on Intrafamilial Violence (see para. 4) following the country's ratification, in 1995, of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará). The Committee furthermore commended the Government on the holistic and integrated approach it was taking to address the issue of violence against women, which included legislative measures, public awareness campaigns, training and sensitization measures for law-enforcement officials and the judiciary, and the establishment of special units to handle domestic violence complaints.

14. The Committee noted with satisfaction the revision of the Agrarian Reform law giving women the right to inherit land, a reform of particular importance to rural women. Changes in the education law were commended, as was the establishment, in the electoral law, of a 25 per cent quota for women candidates in municipal and congressional elections. The Committee also noted women's above-average representation in secondary and higher education. While illiteracy continued to be a concern, the rate of female illiteracy was lower than that of males, which was an exception when compared to the situation of illiteracy in most other countries.

15. The Committee commended the Government for devoting a special section in the fourth periodic report to women heads of households, thus showing its sensitivity to the particular constraints and vulnerabilities faced by this group of women, which makes up one fourth of all Dominican households.

16. The Committee commended the role of non-governmental organizations and of the women's movement in awareness-raising and in lobbying lawmakers and the Government to focus on women's issues, and their active work in providing services to women.

17. The Committee welcomed the fact that the Government, while undergoing a period of change, reform and modernization after the last election in 1996, had made great efforts to ensure the systematic inclusion of a gender perspective in its new policies and programmes. The catalytic role of DGPM and of the women's movement in this regard were particularly noted.

18. The Committee noted with satisfaction the establishment of a governmental mechanism to follow up and implement the commitments of the Platform for Action adopted at the Fourth World Conference on Women.

Factors and difficulties affecting the implementation of the Convention

19. The Committee noted the persistence of a high poverty rate and of situations of extreme poverty, with 57 per cent of the Dominican population living below the poverty line. As women are most affected by poverty, which is aggravated by discrimination and inequality, this constituted a serious obstacle to the full implementation of the Convention in the Dominican Republic.

20. Although the Dominican Republic was a secular State, the Committee noted the absence of a clear separation of Church and State. Such a separation was being successfully practised in many countries and should be pursued in the Dominican Republic to ensure full implementation of the Convention in all areas.

Principal areas of concern

21. The Committee expressed its concern that notwithstanding legislative achievements, discriminatory provisions continued to exist, including in the Civil Code, the nationality law, and marriage and family laws, especially in areas such as the administration of marital property. Discriminatory provisions regarding unmarried women, as well as single mothers, persisted in social security provisions, and in land inheritance rights under the Agrarian Reform Law. The Committee noted with concern the continuing absence of the principle of equality from the country's Constitution.

22. The Committee expressed its deep concern about the economic consequences of women's poverty. Women's migration to urban areas and to foreign countries made them susceptible to sexual exploitation, including trafficking and sex tourism, and to prostitution. The lack of creation of jobs for women in growth sectors, including in the tourism industry, contributed to the high percentage of women migrating abroad in search of work. The Committee was concerned that notwithstanding the high level of poverty among women, and especially of women-

headed households, no affirmative action measures were being taken to support women's efforts to break the cycle of poverty.

23. The Committee expressed its concern about the rigid social codes adhered to in the country and the persistence of machismo, which was reflected in areas such as women's low participation in public life and decision-making, in the stereotypical portrayal of women's role in the family and in social life, and in a segregated labour market. Emphasizing that legal measures alone were not sufficient, the Committee noted the failure of the Government to undertake comprehensive and systematic public awareness and information campaigns to change stereotypical attitudes that were detrimental to women's equality.

24. The Committee expressed its concern that, while close ties existed between DGPM and women's groups, insufficient cooperation and networking had been established between DGPM and women in positions of power and authority in all areas of political, economic and social life.

25. The Committee was deeply concerned about the situation of women workers. While the high percentage of women employed in free-trade zones was laudable, women workers suffered considerable discrimination in income and benefits. The Committee noted with concern the absence of efforts by the Government to ensure and enforce compliance with wage, benefits and workers' safety laws, including compliance with International Labour Organization (ILO) Conventions. Women's overall high unemployment rate, the particularly insecure situation of domestic workers and of single mothers were of concern to the Committee. The Committee was also concerned that women often had higher levels of education than men but were paid less than men for work of equal value.

26. The Committee expressed its deep concern about the high rate of maternal mortality which was caused, as was noted in the report, by toxaemia, haemorrhages during childbirth and clandestine abortions; the Committee also noted that toxaemia may be caused by induced abortions. The high rate of maternal mortality, in conjunction with the fact that abortions in the Dominican Republic were absolutely and under all circumstances illegal, caused very great concern to the Committee which noted in particular the implications of the situation for women's right to life.

Suggestions and recommendations

27. The Committee encourages the Government to ensure that the implementation of all provisions of the Convention proceeds without obstacles and requests the Government to include in its next report detailed information on the practical implementation of the Convention, emphasizing the impact of policies and programmes aimed at achieving women's equality.

28. The Committee urges the Government to provide DGPM with the necessary authority, and with adequate human and financial resources, to implement special programmes for women, to influence all governmental decision-making and to ensure that a gender perspective is consistently applied in all Government policies and programmes.

29. The Committee encourages DGPM, using the model of the Honorary Committee of Women Advisers to the Senate, to intensify cooperation with other sectors and entities of civil, political and economic life so as to ensure a more systematic attention to gender issues in these areas.

30. The Committee urges the Government to make women a priority in its poverty eradication strategy. Particular emphasis should be placed on the mainstreaming of a gender perspective in all poverty eradication efforts, and measures should be taken to ensure to women the enjoyment of their rights in such efforts.

31. The Committee recommends that the Government continue its efforts to mainstream a gender perspective in all its reforms. It also suggests that the Government identify priority areas for targeted actions for women. The reduction and elimination of illiteracy, the creation of jobs and the implementation of labour legislation and reforms were suggested for such priority attention.

32. The Committee encourages the Government to maintain the attention given to women heads of households, to conduct further research into their situation with a view to developing sound and effective policies on strengthening their socio-economic situation and the prevention of poverty and to ensure that needed services and support are provided to such households.

33. The Committee urges the Government to improve the collection and use of data disaggregated by sex so that the strong factual basis for the picture of the de facto situation of women in all areas covered by the Convention may be maintained and measures targeted more carefully to specific groups. Areas related to women's work, employment, wages and benefits, to the types and incidence of violence against women, and the impact of measures against violence against women should receive particular emphasis. Data should also be disaggregated by age, and by other criteria such as urban/rural.

34. The Committee urges the Government to continue its integrated approach to the elimination and prevention of violence against women. In particular, the collection of data and information on the incidence and types of violence against women should be improved and attention should be given to so-called crimes of passion, their frequency and the response of law enforcement.

35. The Committee strongly urges the Government to pursue bilateral agreements and to cooperate in multilateral efforts to reduce and eradicate traffic in women, to protect women migrant workers such as domestic workers from exploitation, including sexual exploitation. Such agreements should be concluded in particular with those countries that are a primary destination for Dominican women workers. Public information campaigns aimed at particularly vulnerable groups of women should also be conducted so as to alert them to potential dangers when seeking work overseas.

36. The Committee invites the Government to conduct regular assessments of the impact of the 25 per cent quota regulation contained in the electoral law so as to ensure the full implementation of the law and the achievement of higher percentages of women in decision-making.

37. The Committee urges the Government to strengthen vocational training and career counselling for young women and to increase its information activities regarding non-traditional jobs for women in order to reduce job segregation patterns and the wage gap between women and men.

38. The Committee invites the Government to strengthen educational programmes for all, girls and boys, on sexual and reproductive health, on combating the spread of HIV/AIDS and on family planning. It also invites the Government to review legislation in the area of women's reproductive and sexual health, in order to give full compliance to articles 10 and 12 of the Convention.

39. The Committee encourages the Government to give full attention to the needs of rural women and to ensure an active and participatory role for rural women in the design, implementation and monitoring of all policies and programmes that are intended to benefit them, including in such areas as access to health and social services, income-generation projects and housing. The Government should also consider the development of special banks and of improved access to credit for rural women.

40. The Committee urges the Government to continue its law reform efforts aimed at the elimination of all remaining discriminatory laws and provisions. Laws such as the Civil Code, the nationality law and labour law should be targeted for priority action to bring them into full conformity with the Convention.

41. The Committee requests the wide dissemination in the Dominican Republic of the present concluding comments in order to make the people of the Dominican Republic aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. The Committee also requests the Government to continue to disseminate widely, and in particular to women's organizations, the Committee's general recommendations, the Convention and the Beijing Declaration and Platform for Action.